

1GC Family Arbitration Scheme

Chambers is piloting a scheme, whereby solicitors can refer a dispute to our bespoke arbitration service, whether on paper only or by way of a hearing. We are particularly excited about the fact that, from early April 2020, we can offer arbitration in relation to disputes about temporary and permanent relocation to many as part of our service.

What is Family Arbitration?

Family Arbitration is a voluntary method of resolving disputes in relation to children or finances in a binding manner through the joint appointment of a private judge (the arbitrator), who is trained and accredited by IFLA (the Institute of Family Law Arbitrators). Chambers has been at the forefront of the development of arbitration in family cases and in relation to the bringing into scope of relocation.

Arbitration can take place at any stage and can be used to determine a discrete or to resolve the whole dispute. It is a uniquely bespoke and flexible service – the clients are in the driving seat as to how they want their arbitration to run. The arbitrator's ability to reach a determination on the papers in an appropriate case is likely to be of real benefit to clients where a speedy decision is required. Alternatively there can be a hearing, similar to a court hearing), with or without evidence, depending on the nature of the case. One of the joys of arbitration is that it can be used to resolve a discrete issues (chattels, schooling etc) which it would be very costly to litigate in court. In *CM v CM* [2019] EWFC16, Moor J declined to resolve issues between the parties about the content of a letter of instruction to an expert in a financial remedy case and said that this was *'exactly the sort of matter that should be referred to an arbitrator who is accredited by the Institute of Family Law Arbitrators.'*

A particular benefit of arbitration is that the parties agree on their choice of arbitrator at the outset of the process. The arbitrator will be trained and accredited by IFLA and the range of arbitrators at 1GC means that clients will have a highly experienced and expert Family Law Practitioner determining their dispute. Unlike the court process, where continuity of judge is often an issue, the parties to an arbitration can be confident that their appointed arbitrator has devoted exclusive time to the assimilation and preparation of their case, and remain available to them until the arbitration is concluded. The arbitrator will also have more time to consider and reach a decision and provide it in a fully reasoned manner. Dual qualified arbitrators can hear and determine both children and financial issues, either together or separately.

For many clients, the confidentiality which arbitration offers is a distinct advantage. They will not be required to attend and wait in a public setting, with details of their confidential information at risk of being overheard. There is no possibility of media access and no risk of confidential information being disclosed.

The Children Arbitration scheme puts safeguarding and the voice of the child at the centre of the process and extends to most issues concerning the exercise of parental responsibility. Arbitration by an arbitrator who is suitably qualified and certified by a body such as IFLA has been endorsed by both the past and present Presidents of the Family Division. The recent expansion in scope allows arbitrators to determine issues about foreign holidays or permanent removal to jurisdictions which are signed up to the Hague Convention of 1980, the Hague Convention of 1996 or, whilst the UK remains bound by it, Brussels II bis.

The outcome of the arbitration becomes final and binding once the arbitrator sends out the written determination (judgment). Should a court order be required to implement the decision, this is easily achievable and there is a suite of bespoke Family Court orders to facilitate this.

What does 1GC offer?

The barristers at 1GC who provide arbitration services are highly qualified and expert in Family Law, as well as being Members of the Chartered Institute of Arbitrators (MCIArb) and on the IFLA list of accredited arbitrators. Several also are part-time judges.

Our premises provide an environment ideally suited to dispute resolution with minimal stress. If the arbitration takes place in Chambers, the accommodation is provided at no extra charge. Each party and their advisers will be provided with a private room for the duration of the arbitration, enabling a pre-hearing conference and break-out discussions during the course of the day. Refreshments will be provided.

To demonstrate our commitment to this form of dispute resolution, we have set up a scheme, which offers Children arbitration with a guaranteed fast turnaround and at transparent cost, which is significantly lower than each barrister's daily charging rate. Parties usually agree to share the barrister's fee equally.

Fees and timescales:-

Issue for determination and method	Likely cost
Single issue – paper determination only – likely to be very suitable for issues about holidays, schooling, name change and straightforward issues about child arrangements.	£1,000-£1,500
Single issue – attendance in Chambers for ½ to 1 day, with a written determination within 7 days (including use of premises and refreshments).	£1,500-£2,500
More complex arbitration – attendance in Chambers for up to 1 day, with a directions hearing by telephone or in person in advance and a written determination within 14 days (to include use of premises and refreshments).	£2,500-£4,000
2-day arbitration in Chambers, with a directions hearing by telephone or in person in advance and a written determination within 14 days (to include use of premises and refreshments). This could encompass both children and financial issues in an appropriate case (probably with one day devoted to children matters and one to finance).	From £3,500 per day

Our arbitrators

Name	IFLA accreditation
Janet Bazley QC, MCI Arb*	Children and Finance
Charles Geekie QC, MCI Arb	Children
Fran Wiley QC, MCI Arb	Children
Andrew Norton QC, MCI Arb	Children
Claire Heppenstall, MCI Arb	Children and Finance
Gillian Stanley, MCI Arb	Children

*Janet is also a trainer and moderator on IFLA's Children Arbitration course.

How to get started

If you are interested in referring a client for arbitration, it will be necessary to get the scope of the arbitration and the identity of the arbitrator agreed with the other party. Quite common practice is for one party to nominate two or three arbitrators and for the other to pick one.

The parties will need to complete the ARB1CS, which gives relevant details and information. The form should be sent to the proposed arbitrator and to IFLA. Once the arbitrator accepts the referral, the arbitration begins.

Should you be contemplating a referral, we would be happy to provide more detail about the process and answer any questions you may have. Our arbitrators also offer a pre-commitment call at no cost where both parties are contemplating a referral but would like to be sure that it is suitable as a way of resolving the dispute. Please address your enquiry initially to our Senior Clerk, Paul Harris (harris@1gc.com) or 1st Junior, David McDonald (mcdonald@1gc.com) or call 020 7797 7900.

Heads of Chambers
Janet Bazley QC Charles Geekie QC

clerks@1gcfamilylaw.com
Tel: +44 (0)20 7797 7900
DX LDE: 1034 Chancery Lane

10 Lincoln's Inn Fields
London WC2A 3BP
1gc.com